

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10-cv-536-RJC-DSC

EGBERT S. KING, )  
Plaintiff, )  
v. )  
MICHAEL J. ASTRUE, Commissioner )  
of Social Security, )  
Defendant. )

ORDER

**THIS MATTER** comes before the Court on the parties' cross motions for summary judgment, (Doc. Nos. 9; 11), and the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 13), recommending that this Court grant Defendant Michael J. Astrue's ("Defendant") motion and deny Plaintiff Egbert S. King's ("Plaintiff") motion.

## **I. STANDARD OF REVIEW**

The district court may assign dispositive pretrial matters pending before the court to a magistrate judge for “proposed findings of fact and recommendations.” 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” Id. at § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

“By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting FED. R. CIV. P. 72 advisory committee’s note). Where a

party fails to object to the Magistrate Judge's M&R, the district court may accept, reject, or modify the M&R without explanation. Camby, 718 F.2d at 199.

## **II. ANALYSIS**

The Magistrate Judge issued his M&R on May 24, 2011. (Doc. No. 13). Plaintiff has not filed any objection to the Magistrate Judge's thorough examination and denial of Plaintiff's claims. This Court finds no clear error with the Magistrate Judge's recommendation. Thus, this Court adopts the Magistrate Judge's M&R, **GRANTS** Defendant's motion for summary judgment, (Doc. No. 11), and **DENIES** Plaintiff's motion for summary judgment, (Doc. No. 9).

**IT IS, THEREFORE, ORDERED** that:

1. The Magistrate Judge's M&R, (Doc. No. 13), is **ADOPTED**;
2. Defendant's motion for summary judgment, (Doc. No. 11), is **GRANTED**; and
3. Plaintiff's motion for summary judgment, (Doc. No. 9), is **DENIED**.

Signed: December 5, 2011

  
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Robert J. Conrad, Jr.  
Chief United States District Judge

